

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless Telecommunications, Inc., Debtor-in-Possession)	FRN 0009-3759-32
)	Voucher No. E001652960
Annual Regulatory Fees for Fiscal Year 2009)	
To: Office of Managing Director		

PETITION FOR WAIVER AND DEFERRAL REGULATORY FEES

Wireless Telecommunications, Inc., Debtor-in-Possession (“Filer”), by its attorney and pursuant to Section 1.1166 of the Commission’s Rules and Regulations, 47 C.F.R. § 1.1166, herein request: (a) waiver of annual regulatory fees for Fiscal Year (“FY”) 2009; and (b) deferral of FY 2009 regulatory fee payment pending action on this waiver request. Filer respectfully shows the following in support:

1. Filer ‘s Bankruptcy Status. Filer has been in bankruptcy for the past several years,¹ and has previously requested and obtained waiver of regulatory fees on that basis.² Filer has, for the entire period of FY 2009 to date, continued to be a debtor in bankruptcy, a fact that is acknowledged in two recently-issued Commission orders.³

2. Identification of Subject Licenses. In previous years, Filer has requested waiver and deferral as to Broadband Radio Service (“BRS”) authorizations for Incumbent Stations WLK341, WNTI856, WMH868, WMI343, and WMH308, held by it under the above-captioned

¹ Attachment 1.1 hereto is a copy of the court order placing Filer into involuntary bankruptcy. *In re Wireless Telecommunications, Inc., et al.*(Case No. 1-00-02188; June 9, 2000; Bankr. M.D. Pa.). (Order for Relief Under Chapter 7). Attachment 1.2 is a copy of the order transferring the case from the Harrisburg division to the Wilkes-Barre division of the court. (*In re Wireless Telecommunications, Inc., et al.* (Case No. 1-00-02188; Sept. 12, 2002) (Order). Attachment 1.3 is a copy of the order converting the case to a Chapter 11 proceeding, and thereby making Filer a debtor-in-possession. *In re Wireless Telecommunications, Inc., et al.* (Case No. 5-02-03994; Bankr. M.D. Pa.) (Order).

² Attachment 2 hereto is a copy of the Commission’s December 16, 2008, letter granting Filer’s September 23, 2008, request for waiver and deferral as to FY 2008 regulatory fees. Attachment 3 is a copy of the Commission’s July 9, 2008, granting Filer’s September 19, 2007, request for waiver and deferral as to FY 2007 regulatory fees.

³ *Memorandum Opinion and Order* (DA 09-603; March 16, 2009) and *Memorandum Opinion and Order* (DA 09-604; March 16, 2009). Filer’s bankruptcy status is a matter of official record and known to the Commission insofar as the FCC is a party to and major secured creditor in the bankruptcy proceeding.

FRN; and as to the BRS authorizations for Basic Trading Area (“BTA”) Stations B227, B249, B266, B342, B398 and B406, licensed under FRN 0005-0238-17.⁴ On March 16, 2009, the Commission consented to the assignment of the BTA licenses to third parties.⁵ Filer closed on such assignments on May 29, 2009.⁶ Any FY 2009 regulatory fees associated with these licenses is now the responsibility of the assignees.⁷ Accordingly, this request addresses only obligations arising out of the incumbent licenses that Filer now holds and will continue to hold on September 22, 2009, the due date for FY 2009 regulatory fee payments.

3. Calculated FY 2009 Regulatory Fees. Filer’s authorizations are in the “BRS (Formerly MDS/MMDS)” license type, for which the Commission has assessed a FY 2009 regulatory fee of \$320 per license.⁸ Filer has electronically “submitted” (but not paid) the FY 2009 data, and the table below is taken from the resulting confirmation report generated by the online “Fee Filer” system. As shown, absent the requested waiver, Filer’s aggregate FY 2009 regulatory fee obligation would be \$1,770.00. For the reasons stated herein, Filer requests a waiver of this obligation. Filer also respectfully asks that the obligation be deterred pending action on the waiver request.

⁴ The Incumbent licenses were acquired by Filer after it became a debtor-in-possession, and were therefore issued in the above-captioned FRN. The BTA licenses had been held by Filer prior to commencement of the bankruptcy proceeding, were thus registered in the ULS under its pre-Chapter 11 FRN, but the Commission had not yet processed requests for pro forma transfer/assignment to the debtor-in-possession.

⁵ FCC File Nos. 0003654164 & 0003654174. *Memorandum Opinion and Order* (DA 09-604; March 16, 2009).

⁶ Notices of consummation of the license assignments were filed with the Commission in FCC File Nos. 0003855062 (June 1, 2009) and 0003863711 (June 9, 2009).

⁷ The Commission has explained: “In instances where a license or authorization is transferred or assigned after October 1, 2008, the fee must be paid by the party that is the licensee or holder of the authorization on the date that the fee payment is due.” *Regulatory Fact Sheet : What You Owe – Commercial Wireless Services for FY 2009* (September 2009) at p. 2 (hereinafter “FY 2009 Wireless Fact Sheet”).

⁸ *Assessment and Collection of Regulatory Fees for Fiscal Year 2009*, MM Docket No 09-65, Report and Order (FCC 09-62; released July 31, 2009) at p. 19 (Appendix B); also, *FY 2009 Wireless Fact Sheet* at p. 2.

FY 2009 Regulatory Fee Obligation

Licensee : Wireless Telecommunications, Inc. Debtor in Possession (FRN: 0009375932)						
Call Sign	P T C	Quantity	Amount	FCC Code 1	FCC Code 2	Bill Number
WLK341	0914	1	\$320.00	N/A	N/A	N/A
WMH308	0914	1	\$320.00	N/A	N/A	N/A
WMH868	0914	1	\$320.00	N/A	N/A	N/A
WMI343	0914	1	\$320.00	N/A	N/A	N/A
WNT1856	0914	1	\$320.00	N/A	N/A	N/A
Total:	*****	5	\$1,600.00	*****	*****	*****

4. Waiver Justified. Regulatory fees may be waived upon a showing of financial hardship, and a demonstration that the filer is in legal bankruptcy has been held to be an adequate showing for a waiver on this basis.⁹ Filers are the subject of ongoing bankruptcy proceedings as discussed at paragraph 1, above. The bankrupt estate has essentially no liquid assets, no cash flow, and is depending upon the proceeds of proposed sale of the above-described licenses, subject to prior Commission approval, in order to pay the creditors and other claimants.

5. Conclusion. The same factors on which the Commission based its waiver of Filer's regulatory fee obligations for FY 2007 and FY 2008, continued throughout FY 2009 and are still the same. Accordingly, the requested waiver and deferral for FY 2009 is fully justified and would serve the public interest, convenience, and necessity.

Respectfully submitted on September 11, 2009,

**Wireless Telecommunications, Inc.,
Debtor-in-Possession**



By: Robert J. Keller, Its Attorney
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428 – Farragut Station
Washington, D.C. 20033-0428

Telephone: 202-223-2100
Facsimile: 202-223-2121
Email: rjk@telcomlaw.com

⁹ *Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761-12762 (1995) (holding that a demonstration of bankruptcy status is sufficient to justify a waiver of the regulatory fees on grounds of financial hardship); *see also Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Report and Order (1994).

#12

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE

WIRELESS TELECOMMUNICATIONS, INC.
WTCI
WAVEVISION

CASE NO.: 1-00-02188

Debtor(s)

ORDER FOR RELIEF UNDER CHAPTER 7

On consideration of the petition filed on MAY 16, 2000 against the above-named debtor, an order for relief under chapter 7 of the Bankruptcy Code (title 11 of the United States Code) is granted.

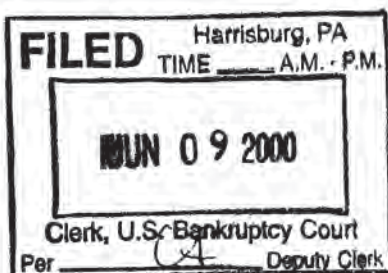
Dated: June 9, 2000

Robert J. Woodside

ROBERT J. WOODSIDE
CHIEF BANKRUPTCY JUDGE

**Set forth all names, including trade names, used by the debtor within the last 6 years. (Bankruptcy Rule 1005). For joint debtors set forth both social security numbers.*

relief.ord



The undersigned deputy clerk hereby certifies that a copy of this document was mailed today to the parties named below at their respective addresses as shown in documents on file or as otherwise indicated in the court's records.

Dated: ^{6/9/00} Deputy Clerk Carol Chenevix
Debtor: Paul Adams Esq., Richard Poole
Irwin Naylor, Kensley Construction,
Shipley Oil Co., Albert Blakey Esq.,
Sheld Morrison, Esq., UST.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 7
: :
WIRELESS TELECOMMUNICATIONS, INC., :
: :
DEBTOR : BANKRUPTCY NO. 1-00-02188

ORDER

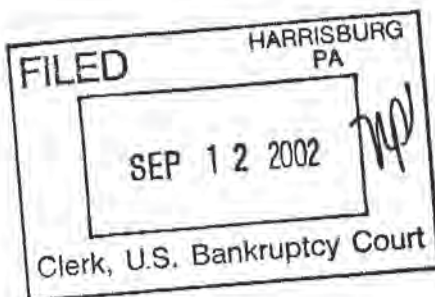
Upon sua sponte Motion of the Court the above referenced bankruptcy case is hereby transferred from the Harrisburg divisional office to the Wilkes-Barre divisional office. All future filings should be sent to the Clerk of the United States Bankruptcy Court at **274 Max Rosenn United States Courthouse, 197 South Main Street, Wilkes-Barre, PA 18701.**

DATED, at Wilkes-Barre, this 12th day of September, 2002.

BY THE COURT



JOHN J. THOMAS
UNITED STATES BANKRUPTCY JUDGE



FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 09 2008

Attachment 3, p. 1 of 2
FY 2009 Regulatory Fees
Waiver & Deferral Request

OFFICE OF
MANAGING DIRECTOR

Robert J. Keller, Esq.
Post Office Box 33428 – Farragut Station
Washington, D.C. 20033-0428

Re: Wireless Telecommunications, Inc., Debtor-in-
Possession and Wireless Telecommunications, Inc.
FY 2007 Regulatory Fees
Fee Control No. RROG-07-00009662

Dear Mr. Keller:

This letter responds to your request filed September 19, 2007 (*Request*), on behalf of Wireless Telecommunications, Inc., LLC, Debtor-in-Possession (WTCI-DIP), and Wireless Telecommunications, Inc. (WTCI), (collectively Wireless), for a deferral and waiver of the fiscal year (FY) 2007 regulatory fees. Our records reflect that Wireless has not paid the FY 2007 regulatory fees. For the reasons stated herein, we grant your request.

In your request, you recite that “[o]n June 9, 2000, the United States Bankruptcy Court for the Middle District of Pennsylvania (Court) . . . plac[ed] WTCI into involuntary bankruptcy.”¹ You state that “[o]n July 18, 2003, the Court entered an order converting the proceeding to a Chapter 11 reorganization, transferring control of the debtor from a Chapter 7 trustee to WTCI as a debtor-in-possession.”² You state that “[t]he Chapter 11 reorganization proceeding is still pending before the Court.”³ You say that “[w]hen the bankruptcy proceedings were commenced, WTCI was the licensee of Broadband Radio Service (BRS) for Call Signs B227, B249, B266, B342, B398, and B406 . . . [and that o]n August 11, 2000, the FCC consented to the *pro forma* involuntary transfer of control of the licensee to . . . the Court-appointed Chapter trustee.”⁴ You state that “[o]n August 4, 2003 . . . , an application was filed . . . to reflect the involuntary *pro forma* transfer of the BTA [I]licenses from the Chapter 7 trustee to WTCI as debtor-in-possession.”⁵ You assert that the application remains pending before the Commission. You say that “[f]or that and other reasons, the BTA [I]licenses are still listed in the ULS as being held by

¹ *Request* at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 2.

WTCL.”⁶ You state that “[a]fter the Chapter 11 conversion, WTCL-DIP took assignment of additional licenses, pursuant to prior FCC consent, and is therefore now properly reflected in the ULS as the licensee of BRS Call Signs WLK341, WMH308, WMH868, and WML343.”⁷ In a subsequent email, you submit copies of an *Order for Relief under Chapter 7 [of the Bankruptcy Code]* granted by the Court against WTCL (and others) on June 9, 2000, an *Order* transferring the bankruptcy proceeding to another divisional office in Philadelphia dated September 12, 2002, an *Order* converting the Chapter 7 bankruptcy proceeding to a Chapter 11 bankruptcy proceeding dated July 18, 2003, and an excerpt from the docket identifying information related to the on-going bankruptcy proceeding from January 3, 2007, to October 5, 2007.⁸

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.⁹ Based upon the evidence that you provide that Wireless has been in bankruptcy since June 9, 2000, we grant your request for waiver of the regulatory fees for FY 2007.¹⁰

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁶ *Id.*

⁷ *Id.*

⁸ See Email from Bob Keller to Joanne Wall and Attachments (Oct. 19, 2007).

⁹ See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995).

¹⁰ By this letter, we also grant your request for a deferral of payment while the waiver request is pending.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 16 2008

OFFICE OF
MANAGING DIRECTOR

Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428-Farragut Station
Washington, DC 20033-0428

Re: Wireless Telecommunications, Inc., Debtor-in-Possession, and Wireless Telecommunications, Inc.
Request for Waiver of FY 2008 Regulatory Fees
Fee Control No. RROG-09-00010884

Dear Mr. Keller:

This responds to your Petition filed September 23, 2008 on behalf of Wireless Telecommunications, Inc. and Wireless Telecommunications, Inc., Debtor-in-Possession (Wireless) requesting deferral and waiver of the fiscal year (FY) 2008 regulatory fees.¹ Our records reflect that Wireless has not paid the FY 2008 regulatory fees. As explained below, your request is granted.

In support of your request, you state that Wireless is in bankruptcy and on that basis previously obtained a waiver of the FY 2007 regulatory fees.² You state that Wireless' bankruptcy status "is still the same as it was at the time of the filings and correspondence" in connection with its previous waiver.³

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership at the time the fees are due is sufficient to establish financial hardship. See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning Wireless' bankruptcy status, we will grant a waiver of the regulatory fees for FY 2008.

¹ Request for Waiver and Petition To Defer Payment of Annual Regulatory Fees for Fiscal Year 2008 (filed September 23, 2008) (Petition).

² *Id.* at 1. You attach a copy of the Commission's January 9, 2008 decision granting Wireless a waiver and deferral of the FY 2007 regulatory fees on account of bankruptcy and other related documents. See *id.* at Attachments 1-3.

³ *Id.* at 2. You attach an excerpt of the docket listing for the bankruptcy proceeding that shows the active status of the bankruptcy proceeding through September 23, 2008.

Robert J. Keller

2.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", with a stylized flourish at the end.

Mark Stephens
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 09 2008

Attachment 3, p. 1 of 2
FY 2009 Regulatory Fees
Waiver & Deferral Request

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MANAGING DIRECTOR

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Mark Stephens
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